

10/687,497

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|              |  |                   |                |
|--------------|--|-------------------|----------------|
| Applicant:   | Bachinski et al.                         | Examiner:         | To Be Assigned |
| Serial No.:  | 10/687,497                               | Group Art Unit:   | 3743           |
| Filed:       | October 15, 2003                         | Docket No.:       | 12929.1072USC1 |
| Customer No. | 23552                                    | Confirmation No.: | 9051           |
| Title:       | Proximity Warning System for a Fireplace |                   |                |

## CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EV 407363425 US

Date of Deposit: March 3, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

By: Teresa Anderson

Name: Teresa Anderson

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(a)(2) and § 1.98(d), copies have been provided only for those items listed on the enclosed Form 1449 that have not previously been cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 10/120,890, filed on April 10, 2002, now issued Patent No. 6,672,860, issued January 6, 2004.

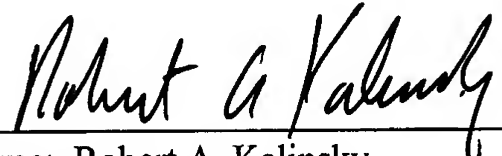
No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

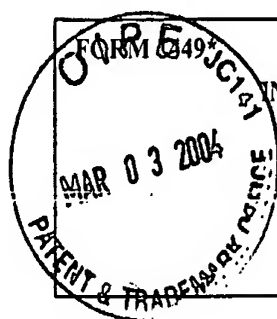
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,  
MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: March 3, 2004

  
Name: Robert A. Kalinsky  
Reg. No.: 50,471  
RAK:pll



## INFORMATION DISCLOSURE STATEMENT

IN AN APPLICATION

(Use several sheets if necessary)

Docket Number:

12929.1072US01

Application Number:

10/120,890

Applicant: Bachinski et al.

Filing Date: October 15,  
2003

Group Art Unit: 3743

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT NO. | DATE       | NAME             | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|---------------------|--------------|------------|------------------|-------|----------|-------------------------------|
|                     | 4,797,657 A  | 01/10/1989 | Vorzimmer et al. |       |          |                               |
|                     | 4,897,630 A  | 01/30/1990 | Nykerk           |       |          |                               |
|                     | 5,173,881 A  | 12/22/1992 | Sindle           |       |          |                               |
|                     | 5,552,767 A  | 09/03/1996 | Toman            |       |          |                               |
|                     | 5,555,876 A  | 09/17/1996 | Francisco et al. |       |          |                               |
|                     | 5,825,304 A  | 10/20/1998 | Marin            |       |          |                               |
|                     | 6,114,950 A  | 09/05/2000 | Schaible et al.  |       |          |                               |
|                     | 6,150,956 A  | 11/21/2000 | Laufer           |       |          |                               |
|                     | 6,157,891 A  | 12/05/2000 | Lin              |       |          |                               |
|                     | 6,276,407 B1 | 08/21/2001 | Corfitsen        |       |          |                               |
|                     | 6,462,663 B1 | 10/08/2002 | Wilson et al.    |       |          |                               |
|                     |              |            |                  |       |          |                               |
|                     |              |            |                  |       |          |                               |
|                     |              |            |                  |       |          |                               |
|                     |              |            |                  |       |          |                               |
|                     |              |            |                  |       |          |                               |

## FOREIGN PATENT DOCUMENTS

|  | DOCUMENT NO. | DATE       | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
|--|--------------|------------|---------|-------|----------|-------------|----|
|  |              |            |         |       |          | YES         | NO |
|  | 980291       | 08/12/1998 | Ireland |       |          | Abstract    |    |
|  |              |            |         |       |          |             |    |
|  |              |            |         |       |          |             |    |
|  |              |            |         |       |          |             |    |

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

|  |  |
|--|--|
|  | McCarthy, Electronic fire guard, Derwent, IE 80484B3, 12 August 1998, see entire document. |
|  |  |
|  |  |
|  |  |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.